

**INVER GROVE HEIGHTS CITY COUNCIL MEETING
MONDAY, JULY 10, 2023 - 6:00 P.M. - 8150 BARBARA AVENUE**

1. CALL TO ORDER:

The City Council of Inver Grove Heights met in regular session on Monday, July 10, 2023, in person. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

2. ROLL CALL:

Present In-Person: Mayor Dietrich; Council Members: Murphy, Gliva, T’Kach, Scales; Acting City Administrator Hove, City Attorney McCauley Nason, City Clerk Kiernan, Community Development Director Rand, Public Works Director Connolly, City Engineer Merchlewicz, Associate Planner Botten, City Planner Hunting, Communications Manager Looze, Fire Chief Thill, Parks and Recreation Director Lares, Environmental Specialist Sutherland

Absent: City Administrator Wilson

3. PRESENTATIONS:

A. Parks and Recreation Month Proclamation

Mayor Dietrich read the proclamation aloud. In summary: The month of July is Parks and Recreation Month with the 2023 theme “Where Community Grows”. She stated that July 21st, 2023 will be recognized as Park and Recreation Professionals Day in Inver Grove Heights. The public is invited to join the City Council in extending its deepest appreciation to the hardworking members of the Inver Grove Heights Parks and Recreation Department for the many ways they help make the Inver Grove Heights Community a great place to live, work, and play. This is proclaimed the 10th Day of July 2023. She presented a plaque to Parks and Recreation Director Adam Lares.

Mayor Dietrich stated there was a discussion tentatively scheduled on the agenda about the apartment building on the Grace Lutheran Church property. This will be on the agenda for another evening to be determined.

4. CONSENT AGENDA:

A. Approval of Disbursements. **Resolution 2023-156**

B. Personnel Actions

C. Resolution 2023-157 Accepting Work, Approving Final Change Order and Payment, and Closing City Project No. 2016-09G

D. Resolution 2023-158 Approving Final Plat and Related Agreements for Rich Valley Ranch Subdivision, 10093 Rich Valley Blvd

E. Temporary Off-Site Gambling Permit for Moose Lodge #1088. **Resolution 2023-159**

F. Contract for Design Services for Skyview and Oakwood Park Tennis Courts Reconstruction

G. Resolution 2023-160 Approving Purchase of Fire Station Alerting System

Motion by Scales, second by T’Kach, to approve the Consent Agenda as presented.

Ayes: 5

Nays: 0 Motion carried.

5. PUBLIC HEARING:

A. Amended On-Sale Intoxicating Liquor License Application for Moose Lodge #1088 (New Officers & Manager)

City Clerk Rebecca Kiernan stated the request is for consideration of new officers and a new manager for the Loyal Order of the Moose Lodge #1088. The club holds On-Sale, and Sunday On-Sale Intoxicating Liquor Licenses for their location at 5927 Concord Boulevard. The Moose Lodge has requested a change of their Corporate Officers which amends their club On-Sale and Sunday On-Sale Intoxicating Liquor License. The applicant has paid the appropriate fees by city code and provided all necessary documentation required for the officer change. There are five new officers and one new manager. The police department has conducted background investigations and found no basis for denial of this request. Staff recommends approval of the new club officers and new manager.

Motion by Murphy, second by Gliva, to close the public hearing and approve the change of Officers and Manager for Moose Lodge #1088 located at 5927 Concord Boulevard.

Ayes: 5

Nays: 0 Motion carried.

B. Conduct a Public Hearing for a Temporary Premise Expansion for On-Sale Liquor License - Mississippi Pub.

City Clerk Kiernan stated the request is for a temporary premise expansion on the On-Sale Liquor License held by Mississippi Pub for July 26th, 2023 in conjunction with the "Oake on the Water" live music event. The Mississippi Pub submitted a temporary On-Sale Liquor License Expansion Permit for that day from 4:00 to 7:00 p.m. Cities 97 and Leinenkugel's Beer Company will host an "Oake on the Water" show featuring musician Phillip Phillips at their location at 4455 66th Street East, Inver Grove Heights. The premise expansion allows the license holder to serve alcohol beyond their normal boundaries of operation for a defined date and timeframe. The site map identifies the parking area and where alcohol would be served. They have also submitted a large assembly permit which has been reviewed by police, fire, and building inspections. It has been allowed by city code. The City Council is charged with approving any temporary On-Sale Liquor License Premise Expansions. Staff recommends holding a public hearing and approving the application.

Motion by Scales, second by Murphy, to close the public hearing and approve the Temporary Premise Expansion for an On-Sale Liquor License for the Mississippi Pub located at 4455 66th Street East.

Ayes: 4

Nays: 0

Abstain: 1 (Gliva) Motion carried.

6. REGULAR BUSINESS:

A. Rental Housing Licenses

Community Development Director Heather Rand presented one application for a rental housing license. City staff consisting of the police department and community development have reviewed the application, found it to be complete, and recommend approval. The request is in order of rental address, property owner, and property manager:

8799 Branson Dr., Duy Vu & Nhu Lam, Maplewood, MN; Nhu Lam, Maplewood, MN

Motion by Gliva, second by T'Kach, to approve the rental housing license as presented.

Ayes: 5

Nays: 0 Motion carried.

B. Final Plat, Final PUD Development Plan for Phase 1, Development Agreement, and Related Agreements for Robert Curve Fourth Addition, located at Diffley Court and Hwy 3. Resolution 2023-161

City Planner Allan Hunting presented the final plat, final PUD development plan for Phase 1 of Robert Curve Addition. The Council approved the preliminary plans in December, 2022. This consists of 1-190-unit apartment building and 54 townhomes. The applicant is proposing Phase 1. The final plat is on the southern lot, a platted lot for townhomes. The apartment building lot and the other townhome block would be in outlots that would be platted in the future. Phase 1, off Diffley Court, would include 45 townhome units. Other phases would come shortly thereafter.

- Plans are consistent with the preliminary plans. Engineering and planning have reviewed.
- Drafted agreements have been worked out with staff and the applicant.

Action Requested:

- Take action on the resolution approving the final plat, PUD, and the agreements for Phase 1 of Robert Curve Fourth Addition.
- The Planning Commission recommended approval 7/0.
- Staff recommends approval.

Andy Brummer, Trident Development, 1200 25th Avenue South, St. Cloud, Minnesota, introduced himself.

Councilmember T'Kach asked if there was a timeframe for the apartment building.

Mr. Brummer replied as soon as they can get their application in for final plat of the area they would proceed. It would be as soon as possible.

Motion by Scales, second by T'Kach, to approve the Final Plat, Final PUD Development Plan for Phase 1, Development Agreement, and Related Agreements for Robert Curve Fourth Addition, located at Diffley Court and Hwy 3. Resolution 2023-161

Ayes: 5

Nays: 0 Motion carried.

C. Interim Use Permit Extension to Allow the Continued Operation of a Park-and-Ride (Fly) Facility. Resolution 2023-162

Associate Planner Heather Botten discussed an extension of the Interim Use Permit operated by AmericInn. It is located at the AMC Movie Theatre parking lot on the west side of Bishop Avenue, in the northeast corner of the property zoned PUD.

Action Requested:

- A one-time extension to an Interim Use Permit to allow the continued operation of a park and ride facility.
 - An interim use is defined as the temporary use of a property until a specific date, occurrence of a particular event, or until zoning regulations no longer permit the use.
 - Interim uses are typically not allowed in a regular zoning ordinance, it may be appropriate for a certain amount of time on a specific property.
 - This is a one-time extension. With what is approved tonight, the applicant would not be able to come back again at the end of the timeframe.
- Five years ago, AmericInn received an Interim Use Permit for 250 spaces for a park and fly facility on the movie theatre parking lot.
- The current lease agreement between the AMC Theatre and AmericInn is for 150 spaces.

- Staff believes this area of the city and the parking lot has high potential for redevelopment. When looking at temporary/low impact uses, this is not necessarily what the city may be looking for, for commercial redevelopment.

Recommendations:

- Staff supports the extension for an Interim Use Permit, but the applicants are asking for what they had originally, 250 spaces at an additional 5 years. The current agreement was for 150 spaces.
- Staff would like to see the agreement of 150 spaces and have it be a one-year approval as a transition to looking at higher and more intense uses.
- The Planning Commission on June 20, 2023, recommended approval at the same request that was approved five years ago and what the current request is for; 250 parking spaces for five years.
 - The lease agreement is up between the two entities. It could be re-evaluated, it could be back up to 250 spaces.
 - The Commission did not believe the city should be in the way of limiting the number of spaces approved between them.
 - If the theatre had plans to redevelop, they could have some type of clause in the agreement between the two to break the termination of the lease earlier. The Planning Commission did not believe the city should interfere in this as well.

Staff recommends approval of 150 parking spaces for one year.

Councilmember Scales said if allowing the extension for another year, he questioned if it starts a clock that a year from now it would either go away and have a parking lot sitting there with nothing in it, or hoping that development comes in. He questioned if one year was a reasonable timeframe, it sounded quick to be moving a company along. He asked if there was anything in the works for that space.

Associate Planner Botten replied that Community Development Director Rand has been in contact with a representative from the AMC Theatre; there is interest like they have done at other locations, where they redeveloped some of their excess parking. With the way the theatre was built several years ago, they calculated seats based on design occupancy. Over time that was revamped, the theatre was redone, and seating was reduced with recliner seats. Due to that, the number of parking spots required on the site is not as much as it once was. This has happened throughout the nation. She said it seems there is interest from the theatre group to look at redeveloping part of the parking lot.

Councilmember Scales mentioned he gets uncomfortable when getting involved in a company's lease and their negotiations with their "tenant." He was not sure why they would limit it to 150 because their current lease says 150. He said it was a smart business move by the theatre owner group, he was unsure why they would not put a clause in. He likes what the Planning Commission did.

Mayor Dietrich asked if the 5-year IUP expired in May.

Associate Planner Botten replied that was correct.

Mayor Dietrich questioned the lease termination being from July to July. It terminates July 31st.

Associate Planner Botten responded that she was unsure if that is re-evaluated yearly or 2 or 3 years. It is done by the separate entities. The city IUP expired in May.

Mayor Dietrich said if this is approved, she would like to see this go from May to May so there is no lapse.

Associate Planner Botten replied that could be recommended to the private entities. She noted on the recommendation of the resolution that there are a couple of blank spots for:

1. Number of parking spaces
2. Number of years

3. If the Council wants the timeline to start from the approval date of tonight (July 10) or backdate to May.

City Attorney Bridget McCauley Nason stated because the Council takes action this evening, if looking to extend it out for whatever period of time, it should be from tonight's date.

Councilmember T'Kach asked if the Interim Use has expired.

City Attorney McCauley Nason replied it terminated before tonight's Council meeting.

Councilmember T'Kach asked if the applicant could come back in five years for a renewal based on the fact this is a first renewal.

City Attorney McCauley Nason replied under the code an Interim Use Permit exists for a period of time and can be extended for one extension period. It does not say how long it can be. It says the applicant cannot come back after that date and request a new Interim Use Permit. The city would take the position that this is an extension of the existing Interim Use Permit; it is still a renewal. Once the term expires it would be the end. After that, there would need to be a change to the zoning ordinance in some capacity to make this a conditional use or modify the prohibitions on seeking an additional extension or a second application for an IEP. Those exist now and would preclude the applicant from coming back after this extension term.

Councilmember T'Kach stated this is an extension of the previous and not a new interim.

Councilmember Gliva said the number of parking spaces, 150 or 250, was not the issue for her. She is not convinced they should go for another five years because the city is working very hard on the EDA. She does not believe it is in the best interest from a city perspective. They are limiting themselves if adding five years. One year sounds short, but they have been working on this. She said she would be in favor of having an out before, such as a 90, 60, or 30-day, in the event something comes along development-wise so they would not have to delay or wait. She asked if there was the ability to see the lease. She questioned if they can require seeing anything like that.

City Attorney McCauley Nason replied there was nothing in the code she was aware of that would allow the ability to see the private lease agreement between the two parties. An interim use is something that is supposed to be valid and appropriate for this time, but not for long term. The Council would have to determine how long term they would lock up this property with this use.

Councilmember Gliva questioned if the city would have to wait if someone wants to develop in 8 months.

City Attorney McCauley Nason replied the city cannot dictate that. The property owner could as a part of the lease negotiations with AmericInn. They could have cancellation be a part of their lease agreement. Because there is an Interim Use Permit that allows the property to be used in a certain manner, does not mean you are required to. Even if the IEP were for a number of years, it does not preclude the underlying property owner from terminating the lease and doing something else with the property that is allowed under the code.

Councilmember Scales said he struggles when getting in between a private business negotiation with their tenant and the city is talking about development. He said they cannot force; the owner is going to do what the owner is going to do. He believes it is in their best interest to develop their property. He does not believe a year is long enough to get the process going for a company of that size. They have other theatres. Giving them some time would be helpful for them to determine what they are going to do. He does not want to get in the middle of a private businesses lease with their tenants.

Councilmember T'Kach asked Councilmember Scales if he would be open to a 2- or 3-year situation. She does not care about the number of cars. If it is a business opportunity for AmericInn to help their

business while the city figures out what is going on, it also helps the theatre. She agrees 5 years is a long time. She asked if staff had objections to 2 or 3 years.

Associate Planner Botten replied there are no objections to the timeframe.

Councilmember T'Kach said one year is difficult but there could be 2-3 years. There are issues about safety and security that have not been addressed. She said the Council needs to think about how much longer they want that issue to go on. As the area develops and/or if people are feeling unsafe, the business will not thrive anyway. It could cost the police department more time and money.

Councilmember Murphy said he would not consider 10 years temporary. He agrees one year is tough to do a turnaround. He said he has not heard from residents on this topic but has heard from plenty about getting more businesses in town. The 150 or 250 spaces did not make a difference to him. He said he was not sure he could support something more than 2 years.

Julie Mannion, 5861 Blaine Avenue, Neyaz Hasan, 5861 Blaine Avenue, AmericInn.

Mr. Hasan stated this is a one-time renewal for them. The parking lot is key to their business. Any changes they make towards it for the future is a multiyear investment. If having to do something different, they need time to plan, invest, and think about alternatives. They are a business now.

Ms. Mannion added as General Manager of the hotel, the park, sleep, and fly/ride accounts for 80-90% of their daily business. For example, if after one year the permit ends and they do not have another place to park guests, they would lose that much business. Because this is park and fly, a majority of guests come in from out of state. They are directed to local places to spend their time within the city.

Mayor Dietrich asked if there is a clause in the contract stating it could be broken in 30 or 60 days.

Mr. Hasan replied he did not believe so. It could be an annual review.

Councilmember Murphy asked if there were enough parking spots for guests at the hotel.

Ms. Mannion replied guests staying at the hotel use the hotel lot. Guests using park and fly must park off site because there is no space for 250 cars. Their cars could be parked there from 5 days to 3 weeks.

Councilmember Murphy asked if park and fly was always a part of their business model.

Both responded yes.

Mr. Hasan replied if flying out, you would park, stay the night at the hotel to catch the flight, or vice versa. It is packaged in a way that includes so many nights of parking and a night at the hotel.

Councilmember Murphy asked if there was an agreement with someone else before the theatre.

Mr. Hasan replied it was just with the theatre.

Ms. Mannion responded the theatre was there first, then the hotel started with park and fly.

Mayor Dietrich asked if the Community Development Director has seen the contract or knows of a clause about termination.

Community Development Director Rand replied she has not seen a contract. She said the AMC real estate division has indicated it is something they are considering going forward with. She mentioned that Lee Krueger and herself have offered some options for development of that area. She agreed other AMC locations have converted their surplus parking and are thinking it is time to focus on Inver Grove Heights and what that might be. It could take 1, 2, or 3 years. Given the location to 494 and easy access off 52 it would make sense. Planning staff may know when AmericInn opened their doors; AMC has been there much longer. She said the hotel did not count on the park and fly forever, something changed five years ago where they became more reliant on it. She was unsure if they could shift back. At one point she was told they were looking for other locations.

Mayor Dietrich asked if the park and fly model brings tax base.

Community Development Director Rand replied other than general parking, it does not generate a lot of revenue. A building would generate a lot more property tax and job creation. Mayor Dietrich stated they are probably at a net negative regarding public safety.

Councilmember T’Kach mentioned the city has a one only renewal on Interim Use Permits. Other cities have different renewal options. She commented that the ordinance could be something to look at adjusting to allow two or more renewals for a certain number of years. She asked if that would be an option.

Associate Planner Botten replied if wanting to amend the zoning code to change the Interim Use Permit section to allow for more than one extension is an avenue the Council could go down. The applicants could ask to amend the zoning code from a one-time extension to allow two times or unlimited.

Councilmember T’Kach said she was not suggesting the Council or staff tackle that. She wanted people to understand this could be an option down the road.

Motion by Murphy, second by Scales, for a 2-year extension for 250 spaces.

Ayes: 3

Nays: 2 (Dietrich, Gliva) Motion fails.

City Attorney McCauley Nason stated the item requires a 4/5 vote; this item does not pass.

By the motion not passing it is a denial. She asked the Council if they would like to make a different motion, or she would need to ask those voting against the IEP to state the reasons why. Those written findings of fact and reasons for denial would be approved by the Council at the next meeting. Options for the Council are:

- Make a different motion
- Reconsider this motion
- Provide information about the reasons for denial

Motion by T’Kach for a 2-year extension for 150 parking spaces.

City Attorney McCauley Nason stated if one of the individuals who voted no wanted to make a motion to reconsider, it would be a motion to reconsider. Reconsidering gets the original motion back on the table and the Council could engage in motion practice to amend the motion. The original motion was for 2-years with 250 spots. That motion and second would be on the table for further discussion before someone could make a motion to amend that motion to whatever the Council reaches consensus on.

Motion by Gliva, second by Murphy, to reconsider the original motion of 2-years with 250 spots.

Ayes: 5

Nays: 0 Motion carried.

Motion by Gliva for 1-year and 250 parking spaces.

City Attorney McCauley Nason clarified stating it was a motion to amend the motion on the table to change the term from 2 years to 1 year and change the number of spots from 250 to 150.

Councilmember Gliva agreed.

Councilmember T'Kach asked if this motion fails if it goes back to the other motion and the Interim Use Permit is rejected.

City Attorney McCauley Nason replied if this motion fails a second time, this item would be deemed denied based on a failure to obtain 4/5 vote. She would ask those that voted in the negative to state their reasons for denial. There would be a written findings of fact that would be brought back to the Council for approval because that is required by statute.

Councilmember Scales questioned if voting and getting a second on this motion and it fails, there is no going back and relooking/reopening again, or if it becomes a denial and they would need to move their cars somewhere else.

City Attorney McCauley Nason replied she was not aware that they cannot make more than one motion to reconsider. If this motion fails, there could be another motion to reconsider. If the current motion fails for lack of a second, the original motion is still on the table for 2 years, 250 spots. This is the amendment to the original motion.

Motion by Gliva, second by Dietrich, to amend 2 years to 1 year and 250 parking spaces.

Councilmember T'Kach said she was really concerned about the impact on these business owners in 1 year. There is a lot of planning to be done to figure out financials on a budget. She would like the Council to look at some kind of compromise. The original motion was for 250 spaces, she would be fine with 150 spaces.

Councilmember Gliva mentioned this has been 5 years, there was going to be an end. She would be shocked if anyone thought it was a surprise. She understands it takes time to get developers and development, they have to start somewhere. She does not want to just add on an extra year.

Councilmember Scales said he thinks it is a surprise because they knew they had the chance to come back for a second. With the first request being for 5-years they assumed another 5 years, not that the Council has to give it. He believes 1 year is a surprise to the applicants; 2 years seems like a reasonable amount. He did not believe they could get anything on that lot in 1 year. The owner would have to be forced to do something with the lot, the city cannot force them to do it, they would do what is in their best interest. The timing will be based on what the business owner wants to do with it, not the city. He does not believe 1 year is enough, 2-years is a compromise.

Mayor Dietrich stated it is important to note that Community Development Director Rand did see an email. Since the other party was not in attendance to represent themselves, they had indicated they are looking at putting in a clause which would almost put the park and fly on a month to month. To note, they are not really interfering with that, a 1-year extension would be more than 30 days.

Councilmember Murphy said he is not comfortable with more than 2 years. He does not want it to fail a second time and then the business does not get an extension. He does not want to create a revenue stream for the hotel that may not put this at the top of their list of opportunities for a new business. He said he agrees with Councilmember Gliva that you do not just assume it is going to happen.

City Attorney McCauley Nason clarified for the record that this is a motion to amend the original motion which is back on the table following the motion to reconsider. It is a motion to amend the resolution approving the IUP for a 1-year term with 150 parking spots. If this motion fails, the Council would still have to vote on the original motion. If the motion passes, the Council would still have to vote on the original motions. There are at least two votes ahead.

Councilmember T’Kach asked if the second could be withdrawn with the motion on the table according to Roberts Rules and another motion could be considered.

City Attorney McCauley Nason responded it could be withdrawn; another motion could be made.

Councilmember Murphy asked if they were voting on 1 year with 150 spaces.

Councilmember Gliva mentioned she had said 1 year 250 spaces.

City Attorney McCauley Nason said she had misheard and had 150.

Councilmember Murphy questioned if this fails.

City Attorney McCauley Nason replied the Council would vote on 2 years with 250 spaces. If this passes, the Council would still have to vote on the actual item itself. This vote determines if they are voting on 1 year with 250 spaces or 2 years with 250 spaces. This is an amendment to the motion on the floor. A yes vote is to amend the original motion on the table to an approval of an Interim Use Permit for a period of 1 year for 250 vehicles.

Ayes: 3

Nays: 2 (Scales, T’Kach) Motion carried.

City Attorney McCauley Nason stated the motion passed because it is a motion to amend, not the original motion. A supermajority is not needed. This is a yes vote on the amendment. The Council needs to take final action on the motion to approve the Interim Use Permit for 1 year at 250 spots. This requires a 4/5 vote. It is a substantive motion not a procedural motion.

Councilmember Scales said this motion is to approve what was just approved. 250 spots for 1 year.

City Attorney McCauley Nason agreed.

Councilmember Scales said if voting yes, it would be 250 spots for 1 year.

City Attorney McCauley Nason agreed it would be 250 spots for 1 year. If voting no, no Interim Use Permit is approved. She would ask those on the prevailing side (the “no” side) what their reasons are for voting no so she can make written findings of fact.

Councilmember Scales asked if they would not be able to reopen or amend it again.

City Attorney McCauley Nason replied the Council could still go back and do a motion to reconsider again.

Councilmember Murphy asked if they were not at 2 years with 250 parking spaces and why it went away.

Mayor Dietrich replied because they did not get a supermajority.

Councilmember Murphy said it was brought back as 1 year, which was the amendment that passed.

City Attorney McCauley Nason replied that was correct.

City Attorney McCauley Nason stated the motion on the table has been successfully amended. There is an amended motion on the table. The Council would need to have further discussion and then vote.

Ayes: 3

Nays: 2 (T’Kach, Scales) Motion fails.

City Attorney McCauley Nason said the motion fails. She asked if the Council wanted to pursue another motion to reconsider. If not, she would need those voting no to state the reasons why.

Councilmember Scales asked if anyone could make the motion now and if they were back to the original.

City Attorney McCauley Nason replied it could be someone from the previous vote who voted no. Councilmember Scales questioned if he could make a motion for 2 years at 250 spots again.

City Attorney McCauley Nason replied the first vote would be a motion to reconsider, to get it back on the table. If the motion to reconsider fails, the conversation is done.

Motion by Scales, second by T’Kach, to reconsider 1 year with 250 spots.

Ayes: 5

Nays: 0 Motion carried.

City Attorney McCauley Nason stated there has been a motion to reconsider. The original motion is back on the table to approve the Interim Use Permit for a period of 1-year with 250 spots.

Motion by Scales, second by T’Kach, to amend for 2 years with 250 parking spaces.

Ayes: 3

Nays: 2 (Dietrich, Gliva) Motion fails.

City Attorney McCauley Nason stated the motion that failed was the motion to amend. The original motion is still on the table for 1 year with 250 spots. The motion to reconsider was approved. The original motion for 1 year with 250 spots is back on the table. There is a motion to amend that failed. This means there is still a motion on the table that the Council would still need to vote on. It is to approve the IUP for 1 year with 250 spots.

Councilmember T’Kach asked if the motion on the table could be amended if amenable to the one that made the motion and the one who seconded, to have 2 years and 150 spaces.

Associate Planner Botten recommended having a compromise at 18 months.

City Attorney McCauley Nason stated there is currently a motion on the table for 1 year with 250 spots. Someone would have to make a motion to amend that motion to have the motion be to approve the IUP for a period of 18 months and 250 spots.

Motion by Murphy, second by Scales, to amend 18 months with 250 parking spaces.

Ayes: 5

Nays: 0 Motion carried.

City Attorney McCauley Nason stated there is a motion on the table to approve the Interim Use Permit for a period of 18 months for 250 spots.

Associate Planner Botten stated the applicant wanted her to point out that 18 months brings them to winter; they would be more willing to make a compromise to go down to 150 spaces and 2 years, so they have an extra construction season. They would be losing out on an additional construction season if looking at a different location to move the park and ride.

Ayes: 4

Nays: 1 (T’Kach) Motion carried.

D. Discussion of City Code Update to the Accessory Structure Requirements

Associate Planner Botten presented an ordinance amendment to the accessory structure section of the code for discussion and direction. She shared that over the last few months there have been three different variances regarding accessory structure size. Staff is looking to amend:

- Allowing an increase to the size of an accessory building on lots greater than five acres, in the Ag and E-1 Zoning District.
- Allowing properties that do not have an attached garage be allowed to have an additional detached structure or one additional detached accessory structure.

Accessory Structure Size Increase for Lots Greater than 5 Acres:

Current language states:

- If zoned Ag or E-1, allowed up to 2,400 gross square feet. The maximum number is two (2). For example, could have one at 1,400 and one at 1,000.
- Current code has two different ways of determining size for accessory structures:
 - Ratio method: (Just approved in the last couple of years) for lots of 3.4 to 5 acres in size.
 - Range method: Lots less than 3.4 acres or greater than 5 acres.
 - If less than 2.5 acres, allowed 1,000 gross square feet.
 - If lot size is 2.5 to 3.3 acres, allowed 1,600 gross square feet.

Points of Discussion for Lots Greater Than 5 Acres:

- Do they want to have a cap; should they still have the maximum size.
- Having a cap would deter home businesses that may pop up in accessory structures that are not allowed by the Home Occupation Ordinance.
- If currently having 10 acres of property, could have a very large accessory structure.
 - There is the potential for the lot to be subdivided.
 - There could be two 5-acre lots with a 10,000 square foot structure on one of them.
 - Would the city prohibit that new lot from having an additional accessory structure or would they be allowed to have the large ones grandfathered in and the vacant (new) lot, could have its own maximum size accessory building.
- What method of determining square footage is the most appropriate/preferred for large lot residential accessory buildings.
 - Ratio: Used by taking 480 square feet multiplied by lot size
 - Range: Lots 5-9.99 acres are allowed certain square feet
Lots 10+ acres are allowed certain square feet

She shared that the variances staff/Council have reviewed over the past couple of months were around the 5-acre lot size. Requests ranged for a 4,050 square foot structure down to 2,598 square feet. The largest was 5.39 acres. So far this year staff has not seen a request for a 10-acre lot size.

Residential Lots without an Attached Garage:

- At a disadvantage if not having an attached garage. Would be allowed the same number of detached dwellings as a person who has an attached garage.

When reviewing other city ordinances, several cities have language or provisions. For example:

- Lakeville: There should not be more than one (1) detached accessory building on the lot in addition to one (1) attached or detached garage.

This is another part of the ordinance staff feels should be looked at and reviewed.

Another part of the code that was not addressed in the staff report but has been brought up/other sections of the accessory structure code to consider amending:

- There is an exemption part of the city code. A structure 120 square feet or less is exempt from the number of accessory buildings on a property.
 - Typically, not seen by Council because it would not require a variance.
 - Looking at other city ordinances, it is a somewhat unique part of the code.
 - Most cities count a structure of any size as the number towards the total allowed.

She was unsure where that part of the code stems from historically. She asked if Council would still want to keep that exemption in the code or start counting the smaller garden sheds toward the total number allowed. She said it was possible the Council could see, as long as it meets setbacks and impervious surface requirements, 10-120 square foot sheds on a property. There is no maximum amount.

- Look at the maximum number of accessory structures allowed.
 - Some cities, instead of having a maximum number of structures, look at a maximum number of square feet. Gross square footage.

Staff is looking for guidance before bringing this through the public process.

Councilmember Scales shared that there are a lot of older homes without attached garages. His house was one of them which got him involved in the process of understanding what is allowed and what is not. He does not like the idea of penalizing someone because their home was not built with an attached garage. He said he does not want someone to be able to turn their garage into living space and then say they do not have an attached garage. Code fixes this problem by stating it cannot be requested by the homeowner, leaving the next homeowner the option/benefit. He suggested leaving that point included. Attached garages with an average 2 car are about 575 square feet, the average 3 car is about 870 square feet. Those without an attached garage should have the ability to get more square footage. He was unsure if that would be a 2 or 3 car garage or a combination of both, he thought of 750. His thought was if not having an attached garage they could have a detached garage; instead of being limited to 1,400, it could be 2,150 or another number. Regarding size, he said he gets nervous with the ratio of someone coming in with 60 acres. He likes the range better. He felt the city was a little light on larger lots with 2,400 on 6 acres. He suggested 3,200 to 3,500. He said in the past the Planning Commission has used the practical difficulty of not having an attached garage. When having to use the practical difficulty of not having an attached garage, they should do something with the ordinance.

Councilmember Murphy said he preferred the range method; it saves staff time and makes it easier on residents. He likes what Lakeville does. He asked if there was any downside to the total combined attached/detached.

Associate Planner Botten replied she has not done a lot of research on it. It is a newer concept she has noticed in other ordinances. It is an interesting way to consider what is allowed on a property.

Councilmember Murphy questioned if that was something the Council wanted to explore. He suggested addressing the detached garage and the unlimited amount of 120 square feet.

Councilmember T'Kach asked Councilmember Scales why he would not agree with someone who invests in their home, remodels their detached garage, connects it to their house, and turns it into living space. To allow them to build a garage if they already have a 250 square foot detached accessory structure.

Councilmember Scales replied if changing the property to get the next thing wanted, and then changing that and getting the next thing, he believes it could be used as not just a garage, there's probably other areas in Code that could get them in trouble. The practical difficulty cannot be due to the homeowner's actions. If changing for one, it could open up a lot of them.

Associate Planner Botten said if there was not an attached garage, they could have up to two detached buildings. This would be a permitted use by code as long as they comply with setbacks, maximum size, and other requirements. It would be an allowed permitted use to convert the attached garage. She was unsure there would be a way to regulate.

Councilmember Scales said they have used topography as a practical difficulty. If using a bulldozer, moving land around, then coming in and saying they cannot build there because of a hole, something was created. He said it was open to a lot of abuse which concerns him.

Associate Planner Botten agreed. If keeping the ordinance as it is, that is when you cannot have the homeowner remodel their attached garage and then come in for the variance. The original homeowner cannot create it. If allowed to have two detached buildings by code if there is not an attached one, they may see some of those renovations for attached buildings, especially in the older part of the city. She said if looking at a building permit and it complies with setbacks, size requirements, and impervious surface, she would approve it from a zoning standpoint. She was unsure how she could tell someone no, they have remodeled, now they cannot do this sort of thing. If there were concerns, she suggests making sure the language is clear.

Councilmember T'Kach said she was concerned because this was not on their agenda for the year. There is other work to do that they said they were going to do. She was unsure how much time staff would have to spend on this. There is a lot for the Council to think about in terms of consequences.

Councilmember Scales mentioned this topic has been on the agenda for the last 10-20 years. It has been touched every 2-3 years, but never cleaned up.

Councilmember T'Kach said this was not on this year's work plan.

Mayor Dietrich stated at the retreat the Council agreed they would work on cleaning up codes, which is what Associate Planner Botten is attempting to do.

Councilmember Scales said they spend a lot of time looking at variances, this is the biggest one he knows the Planning Commission sees.

Councilmember T'Kach said the last 3 were people who said they "didn't know they needed a permit", did not know "they needed to be a certain size" and "thought they were grandfathered in". She said whatever the Council does, people will still be coming in saying they had no idea they needed a permit or was unaware of the size.

Councilmember Scales replied they cannot educate everyone if they are not willing to do the research prior. The Council can cut down on the amount of work city staff has to do.

Councilmember T'Kach said the Council needs to be very careful about this. She suggested having further discussion during a work session. She said she would ask staff to take them through several scenarios because when staff goes through all the work and recommends denial, this Council tends to approve it.

Councilmember Scales replied city staff has to recommend denial, it is against the code. The Planning Commission denies because their purview is much smaller. By the time it gets to Council they become creative with practical difficulties. He said the Council creates ordinances in the city that force the city to have to say no. He would prefer to have that taken care of at the city and Planning Commission, so nobody has to be flexible; the Council doesn't have to be flexible or find a practical difficulty.

Commissioner Murphy agreed. He said cleaning up code was on the Council to do list for the year. This is exactly that.

Mayor Dietrich suggested keeping the conversation about discussion of the city code to update accessory structure requirements and to give staff guidance in that direction. She is in favor of the range formula. She suggested cleaning up the section regarding the small buildings that could be permitted at 120 square feet. She asked if there was other direction needed for this item.

Associate Planner Botten replied specifically for size:

- If the Council would like it for 5-10. It currently starts at 5 acres with 2,400 square feet.
- If the Council was looking at anything over 5 acres.
- If 7.5 acres would be the next level.

- She questioned what the range would be, what the maximum size was. For example:
 - 3,200 to 3,500
 - 3,000 square feet
 - If at 7.5 acres, allowed 4,000 square feet
 - If more than 10 acres, would they allow the greater size

She noted that two requests this year were asking for approximately 4,000 square feet at roughly 5 acres. She said she hears that may be a little too large for what the city wants to see. She asked what the cutoff would be.

Councilmember Murphy asked if staff liked the range method. He questioned if it contradicts what Lakeville does using square footage.

Associate Planner Botten replied she did not believe they contradicted each other. If looking at a maximum gross square footage for the entire property, including an attached and detached structure, staff may want to bring this back as a work session item so further research can be done on other cities to see how those are calculated.

Councilmember Murphy questioned if they could say the total amount a person could have.

Associate Planner Botten replied that was another route staff could take. She said someone just asked today about a 4,000 square foot attached structure to their existing garage. Looking at a maximum amount for the entire property could be another option.

Mayor Dietrich asked staff to also check into other things the Council may encounter.

Associate Planner Botten stated it may be worthwhile to bring this back before a work session this year and then early next year as a public hearing.

Councilmember T'Kach asked if this would be applied anywhere else. She said impervious surface has already been determined on any lot.

Associate Planner Botten responded that all urban lots no matter of size, allow 1,000 square feet of detached structure. Impervious surface and setbacks could dictate that to be a little smaller. Currently, more variances have been on rural lots, Ag., and E-1.

Councilmember T'Kach requested scenarios on 5, 7.5, and 10 acres. She questioned if someone had 5 acres and picks up another 2.5 acres, where that would put them.

Councilmember Gliva said the detached garage portion needs help. She said the point was made that everything cannot be ratioed up to 30 acres. She felt a maximum was needed. She said she did not feel the Council saw many variances up to 5 acres.

Associate Planner Botten replied that staff was seeing them and then the ordinance was amended for 3-5-acre requests wanting more than 1,600.

Councilmember Gliva suggested looking at 5-10 acres. She questioned if there was more burden and recordkeeping on staff when a request comes in and if staff has to go and check what else the person has on the property. Or if coming in and it fits the lot works better.

Associate Planner Botten replied it would be a lot more work for staff to have combined square footages. An aerial photo is currently referenced to determine detached accessory structure sizing. With attached structures, there can be interesting roof lines and how the houses are situated. Then they rely on Dakota County permit information or city building permit information.

Councilmember Gliva said it sounded great in concept but would really have to be updated on recordkeeping to manage.

Associate Planner Botten replied it could be fine for new homes and permits going forward. It could be a challenge for existing housing stock. Staff could do it; it would be more work up front.

Councilmember Scales said he did not mind the city doing the work, it could create a mess for residents. He believes time needs to be spent making it simpler. He likes the ranges of up to 2.5, 2.5 to 5, 2.5 to 7, 7.5 to 10, and anything over 10 would have to have a limit.

Councilmember Murphy requested clarification on what required a lot of staff work.

Associate Planner Botten responded that looking at the combined square footage for attached and detached structures.

Councilmember T'Kach asked if detached includes things without flooring.

Associate Planner Botten replied they are currently 120 square feet or less. 10x12 or smaller are exempt from the total number allowed. She said going forward they may want to have a cap. She said it could say each property is allowed one garden shed in addition to their accessory building.

Councilmember T'Kach asked how it would be if someone had a summer gazebo on their property, a detached garage, and a garden shed. She asked what direction people would think of that.

Associate Planner Botten replied she would not count that as an accessory structure. They could just have a gazebo on their property in addition to their accessory buildings, a playhouse, or treehouse. Those are not regulated.

Councilmember T'Kach asked if it were a second accessory structure as currently defined if a gazebo would be considered.

Associate Planner Botten replied she would have to look at the design. Some are gazebos with footings and insulated. Depending on size, are typically not larger than 120 square feet. She said she would have to discuss with the inspections department.

Councilmember T'Kach suggested looking at that along with the garden shed. She would like staff to explore this further for understanding.

Associate Planner Botten replied it is an accessory use.

Councilmember Scales said a gazebo does not count as an accessory structure.

Councilmember T'Kach replied that Associate Planner Botten said it depended on the design.

Councilmember Scales mentioned there were a lot of gazebos. He would be nervous starting to count those as accessory structures. He questioned if it was attached to the house or freestanding.

Councilmember T'Kach asked if it was attached to the accessory structure that was originally permitted.

Councilmember Scales was unsure that was something they would want to get into.

Councilmember T'Kach said she felt these were questions that would come up. People will find creative ways to get around the ordinance.

Councilmember Scales said there were a lot of variances coming before the city to fix that problem. He was concerned about fixing one and creating two problems, of which he was not sure was a problem.

Mayor Dietrich said that was not the goal this evening or when finalizing, to have the answers to every resident's question. Those questions are welcomed, that is how they work toward a solution. She would like to keep the focus on those they are hearing about and cleaning them up. She said she would like to leave the others alone for now.

Councilmember T'Kach mentioned that she was not interested in getting rid of people's gazebos.

Associate Planner Botten summarized what the Council was requesting:

- Over 10 acres having a maximum.
- 3,200 to 3,500 square foot range. There would be a cap of around 4,000 when at 10 acres.

Councilmember T’Kach asked how many lots there were in the different acreages.

Associate Planner Botten replied the ordinance amendment would affect 275 parcels outside of the northwest area. Those inside the northwest area are areas that could potentially be subdivided. Some of those agricultural lots are owned by the college, Macalester, and Flint Hills.

Councilmember T’Kach asked if Macalester College wanted to build a new second or third education center, if that would be allowed under what the Council is thinking about, or if there was a way to allow.

Associate Planner Botten replied they were likely in a separate category. It could be a conditional use for expansion of their school facilities.

Councilmember T’Kach asked if they were institutional.

Associate Planner Botten replied some of their parcels would be, some are zoned Ag.

Associate Planner Botten continued with a summary of the Council’s request:

- Acreage: 5-7.5 acres, 7.5 to 10, and then 10+.

Mayor Dietrich said if this goes to a work session, she did not want to push it off too far. She would still like to get this in, there is half a year left.

Associate Planner Botten mentioned if not basing this on total size for the entire property but looking at the range, she thought staff may be able to bring it to a public hearing and not to a work session. She asked if the Council would still want to bring it to a work session first.

Councilmember T’Kach replied she would like to see options, especially in proportion to the building. For example, what these would start to look like if there was a 2,000 or 4,000 square foot house.

Mayor Dietrich stated she was fine with a public hearing.

Councilmembers Murphy and Scales were fine with the public hearing.

Councilmember T’Kach suggested putting this in Insights so the public is aware the Council is looking to make a change.

Associate Planner Botten stated it would be a longer process if the Council wanted an engagement process such as a community survey.

Mayor Dietrich stated her vote is to go to a public hearing.

Associate Planner Botten stated the public hearing process is put on the website, Facebook pages, and newspaper.

Associate Planner Botten asked if the Council wanted a work session first or a public hearing.

All with exception to Councilmember T’Kach, suggested having a public hearing.

Councilmember Scales said this has been something they have been working on in the city for 20 years. Each year, they have cleaned up part of it. As a result of the cleanup done in a certain area, they do not see as many variances. This cleans up one area. It can always be opened back up for discussion.

E. Discussion of City Code Provisions Related to Shipping/Cargo Containers

City Planner Allan Hunting stated this item came about when the Council recently approved a variance to Jersey’s Bar for a temporary/auxiliary bar on their site using a modified shipping container. At that time Council suggested looking into shipping/cargo containers as a potential use for other businesses and if it was a good idea or not.

Staff did research on other cities and out of state regulations because they were not finding much locally in surrounding city codes.

Mayor Dietrich asked for background on the recent request and how many sides of that shipping container had to be sided.

City Planner Hunting replied it must comply with current exterior siding requirements. All four sides need to have something such as a maximum of 30% for each wall.

Mayor Dietrich asked if some of it could still be corrugated steel.

City Planner Hunting responded yes.

City Planner Hunting provided the following background:

- These containers typically go by the term "shipping" or "cargo" containers. They are used/designed for shipping by rail or boat. They do not include larger rail cars, recreational vehicles, bus bodies, a semi-trailer, or similar prefabricated items.
- A typical shipping container is 20 feet long, 8 feet high, 8 feet wide, corrugated metal siding, and doors on one side.
- Containers are then converted. Doors and/or windows are cut and used for other uses.

Questions for discussion:

- Was the intent to allow these city wide or focusing on certain areas.
 - These have a railroad theme, should they be focused in areas such as the railroad tracks along Concord, marinas, and Heritage Village Park.
- What would be the range of uses.
 - One was approved to be used for an auxiliary bar. There is an existing principal structure with the bar/restaurant on site. This would be a seasonal bar.
 - Would not be allowed for residential uses or storage.
 - Should they be used for some kind of commercial purpose. Like bar/restaurant, food service, other retail type uses.
- Used as the principle building or tied back to an accessory.
 - Should they have a regular building on the lot that meets standard requirements but allow the use of one of these smaller accessories.
 - Serves a purpose for the use. Can be used seasonally. Would not have to build an entire other structure that may not be used during the winter.

Common performance standards among entities that allowed:

- 20 feet long, 8 feet high, 8 feet in width.
- Building permit required.
- Should be on a hard surface, not grass, concrete, asphalt, or gravel pad.
- Used down by the river/flood plain, should still comply with all floodplain requirements.
- Apply with all applicable setbacks.
- Not allowed to be used as dwelling units.
- Not allowed to be stacked.
- Not to be used solely for storage of materials.
- Allow them to be the metal ribbed siding without any change to the exterior, should have to be painted or wrapped to cover the numbers on the doors. Some type of color or repainted to be consistent with the business.
- Be structurally sound in a safe manner (reviewed during the building permit process).

Action requested:

- Staff is looking for guidance from the Council on:
 - Whether staff should look into an ordinance to allow.
 - If this should be city wide or focused on a certain area of the city.

- Type of uses. Accessory to another principle building on the site, if someone has a vacant lot, or operating their business out of.

Councilmember T'Kach said it should be for commercial and business purposes, not residential. That could be a separate housing issue. She asked how much time it would take staff to look into this. She said this was not on the agenda for this year. She asked what the takeaway was and what would come off staffs work plan.

City Planner Hunting replied that he did not believe this would be a long, time-consuming ordinance. There are performance standards. If the Council agrees with the use, principle or accessory, and setbacks, the other discussion would be if this would be allowed city wide or to a geographic area. He said he has ideas on that if it was the Council's direction.

Councilmember T'Kach said if someone wanted to use one of these on a property to put a coffee shop in, they would need to put water in. She questioned if they need to have a restroom.

City Planner Hunting replied that is why a building permit would have to be required. They would have to comply with all regular building code standards.

Councilmember T'Kach said if there was not another structure, the investment could be large, depending on how it was being used. She asked if it was under ADA or fire suppression.

City Planner Hunting replied staff would need to check with inspections about using it as a principal structure versus an accessory. In reference to Jersey's, because there is a principal structure there, they do not need to comply with those. In response to ADA or fire, those apply regardless of accessory or principle. It is categorized by use and whatever the appropriate fire, building, or health codes would be.

Councilmember Scales said he likes them as secondary structures, not primary structures. He does not like geographical. They had that problem with bowhunting in the city. He suggested types of use. He asked if there was wording that would help.

Councilmember Murphy said the performance standards need to be strict. He said he was not initially in support. He has seen what has happened so far. The key is not being a primary structure and that it matches/fits in to the property it is a part of. He said they look a certain way when closed up, open for business they look completely different.

Councilmember Gliva agrees with both Councilmember Scales and Murphy. She said she was struggling because she thinks of the area on Concord as fitting. She questioned where there would be another fit. For example, the parking lot of the AMC Theatre. She agreed it should not be a principal structure and should be tied to something. She said it could fit at Gertens as they may have that type of need. She was unsure of geography but could be open.

Councilmember T'Kach asked about matching paint. If wanting to be creative with painting, or even putting one in the park because it could be another use. She said she would not want to regulate what color it is, if it matches, or if it does not. She agreed to not look at geography. This was based on public input. She questioned rural areas. She said there was commercial and industrial land. It could be unique to a truck stop or pop-up shop at a truck shop.

City Planner Hunting said if not limiting to a geographic area, they would have to address all the different zoning districts: commercial, from B-2, B-3, B-4, commercial retail and if wanting to include them in industrial districts. These are not commercial oriented and could not have a pop-up shop as they are not consistent with allowed uses. If going citywide, the Council would have to think about how to tie in the type of uses.

Councilmember T'Kach suggested by existing land use.

City Planner Hunting replied it would fall under what would be allowed, into the use matrix and the code. The building could only be used for what is allowed in the zoning district.

Councilmember T'Kach said if used as a coffee shop it would only be allowed in zoning that allows coffee shops.

City Planner Hunting agreed. I-1 or I-2 would not allow for a coffee shop.

Mayor Dietrich agreed that they need to be strict on those with compliance. She agrees it needs to be a secondary structure. She said the containers she has seen placed throughout the city are a code compliance issue. If people want to decorate them outside of what their primary structure looks like, she does not want to leave this open. She said it would probably need to be sided like they did with the business owner on Concord. She asked about the 30% of corrugated steel that could show on all sides.

City Planner Hunting responded that is the standard code. The ordinance does not have any restrictions on colors of a building or painting. You cannot paint your business signage on a building. Someone could paint flowers on it or get a vinyl wrap. With a shipping container with the corrugated vertical metal siding, he questioned if the Council wanted to allow that, or how it should be structured so it is not placed all chipped up, dented, or has another business name on it. He thought they may want to make it something that is more aesthetically pleasing. It could still be personalized, but Council would have the discretion to keep it looking professional.

Mayor Dietrich agreed with having it painted the same as the primary structure. If not wanting to do that, they could side it. That could leave it open for their creativity. It could be sided with the materials that were approved for the business on Concord.

Councilmember Murphy said they could paint the siding or the portion that is vertical corrugated. He agrees with this.

City Planner Hunting asked the Council if staff should prepare something to take through the public hearing process or if the Council wanted further information before them.

Mayor Dietrich said unless Acting City Administrator Amy Hove has the direction City Administrator Kris Wilson suggested regarding this, they should probably wait to have the City Administrator weigh in.

Acting City Administrator Amy Hove responded they could wait.

F. Sustainability Recognition Program

Environmental Specialist Ally Sutherland stated she is also the staff liaison for the Environmental Commission. She presented on the Proposed Sustainability Recognition Program:

2023 EAC Work Plan:

- Was reviewed and approved by the City Council in February, 2023.
- 5 different items in the work plan focused on the duties of the Environmental Advisory Commission such as raising awareness and understanding of environmental topics within the city.
- One of those items was the Sustainability Recognition Program for residents and businesses.
 - The Environmental Specialist and the Environmental Advisory Commission have worked on this together. Two meetings were held.
 - Looking for feedback from the City Council.

Sustainability Defined:

- Seeking to balance environmental, social, and economic needs and priorities as well as conserving natural and financial resources of the present without compromising the needs of future generations. This looks at conserving resources today and for future generations.
- Different sectors embrace sustainability:
 - Private and Public sectors.
 - Businesses approach it from a profitability standpoint of conserving resources.
 - Governments look at it from an environmental standpoint.
 - Trying to develop a similar plan so the outcomes come out similar. Residents may look at this differently than a business. Trying to come to a consensus/conclusion in terms of sustainable outcomes.
- Balance of the "Three E's," the priorities of sustainability:
 - Environment (Planet) conserving natural resources
 - Economy (Profit) promotes economic viability
 - Equity (People) promotes social justice and wellbeing
 - Actions listed in the application are referred to as sustainable actions. Trying to bridge all three pillars.

Research was done on a variety of different community recognition programs. Programs are meant to recognize any community member, resident, or business. Draft parameters were gathered based off other programs researched. Program Purpose:

- Raise awareness of recommended environmental or sustainability actions.
- Recognize businesses and residents for taking action.
- Share success stories and learning experiences with others (sharing network to teach and inspire others).
- Fostering sustainability and environmental friendliness as a community norm for the city.

Example: City of Burnsville

- Have two recognition programs:
 - Related to stormwater. They have a grant related to this.
 - Community recognition program for community organizations.

Example: Coon Rapids

- Specific to businesses. Community Sustainability Recognition Program.
 - Implemented organics, trash, and recycling collections.

Example: Rochester

- Green Business Recognition Program.
 - Social media engagement, helping to promote the business.
- Postcards were sent out to different businesses to encourage participation.
 - Included a QR Code.
 - Three different logos, awards that they are presenting.

Example: Red Wing

- Recognition Program for Residents
 - A lot of social media engagement

Next Steps:

- May and June 2023: Working with the Environmental Advisory Commission, city staff, city departments, Chamber of Commerce, Dakota County, and Xcel Energy Partners in Energy
- July 10th, 2023: City Council review and feedback
- July 24th, 2023: City Council Consent Agenda approval
- Spring 2024: First year of the program
 - A lot of time between now and then to work with communications on branding.

Draft Program Parameters based off other communities and our city's purpose:

- Program name: Sustainable IGH

- Eligible recipients: Residents, businesses, organizations that own or rent property in IGH
- Recognition award process: March/April an announcement is made that applications are open. This coincides with the Insights newsletter publishing date of early April.
 - Promote on social media and Insights
 - Earth Day is April 22nd. This would be the deadline to apply
 - Host the recognition in June, during the last City Council meeting. Those recognized would be invited to this meeting.
- Eligible Recognition:
 - Bronze (5 required actions)
 - Silver (+5 actions)
 - Gold (+10 actions)
- Recognition Awards: Considering low cost/sustainable. There is no current budget. To note: Xcel Energy Partners in Energy facilitators and the MOU (Memorandum of Understanding) has a \$2,000 printing budget. This can be utilized.
 - Printed certificate
 - Printed window poster
 - Dated digital award. For social media or a business website
 - City wall. Poster Board at City Hall and/or VMCC recognizing awardees
 - Recognition
 - Donation from program sponsor for gold awardees
 - Partner with a local business to sponsor the program. Promote the sponsor. They could donate sustainable prizes for the awardees.
 - One option: Partnering with a local nursery. They could be promoted as the program sponsor and could possibly donate local tree saplings to a select number of awardees (gold).

Draft Application:

- After speaking with the communications staff, it was determined that the online survey form could potentially be used for the application. This allows to build in logic.
- Best Practice examples:
 - Energy
 - Landscape/Water
 - Waste
 - Social
- Application requires the business/individual to self-report their completed actions.
 - Select which actions they have completed
 - Certify that the action was completed
 - Submit a description of what was done, cost saving measures, environmental benefits, social benefits, share stories
 - Pictures
- Process to ensure the awardees do not have any known violations

She stated she was looking for Council feedback and questions. Feedback received tonight will go onto the Council Consent Agenda.

Councilmember Murphy said it was very thorough and looks wonderful. He asked what the violations would be.

Environmental Specialist Sutherland responded that has not been determined yet. It was brought up by Dakota County because they have a Waste Regulation Unit. For example, they do not want a business or resident with a known trash or recycling compliance violation to receive a sustainable recognition award.

Councilmember T’Kach said it was thorough and looks good. She liked the idea of documented outcomes. Integrating more documentation into it would give the program more cache and shows it means something. She would like to see more of that built in. She asked that the requirements be broken out differently. For example: trash bins going from two down to one, or an energy bill going down. A story could be told in this way. She said it would be nice to have an open category where people may have different ways of doing this. For example, some may have done a lot of things and are now out talking to their neighbors and sharing information about what they have done. Other examples could be that someone had an open house at their home showing what they have done or working with a youth program. She said she would like to see something like this added for those that cannot afford to do all the items on the list.

Environmental Specialist Sutherland appreciated the feedback. She said she has gone back and forth with requiring more descriptions about what businesses or people have done. One of the barriers for this is participation. A lot of programs have a hard time getting applications, which is why she has oriented this a little differently than others. She said for the required actions, it is required for the person to report something, provide a picture of the description. She said for others there could be the opportunity to describe it more without requiring it. She said if people were applying, she was hopeful they were eager and interested, they want to give information. Councilmember T’Kach suggested testing an application on a business or staff. She suggested sending it to staff to see who responds. She suggested if having sponsors, to have it be similar to not having violations. It is important to find sponsors who were aligned with this. She recommends not having a sponsor the first year, but in order to be a sponsor they have to have received an award.

Councilmember Scales mentioned when it comes to recognition, he thinks everyone likes a plaque signed by the Mayor with a handshake and the Mayor presenting it. This means something to people.

Environmental Specialist Sutherland said because they do not know how many people would apply, that is why it is on cardstock or printed/recycled paper with the Mayor’s signature and presented at the last City Council meeting in June.

7. PUBLIC COMMENT:

Brenda Sabistina, 10380 Brent Avenue, stated she worked with the City Council in 2017, 2018, and 2019 on whistle free. She wanted to know where the city was going with it, if it was dropped, or if the city would pursue.

Mayor Dietrich replied the question cannot be answered this evening, but there are a few people on staff involved. The City Clerk would get this request to the appropriate staff people. Ms. Sabistina referenced the 105th bike trail stating that Dakota County was here on May 1st, they want the bike trail on 105th, and were not looking at anything else. She said the direction was to go to residents. She said she is on an email stream with her neighbors, nobody has heard from them because they were waiting for the Council. The communication she received from Mayor Dietrich was that they were waiting for Dakota County to bring back recommendations. She stated that Dakota County does not have recommendations, they are going down 105th. She mentioned that the Commissioner in May said he understands that Dakota County would be working with Inver Grove Heights staff to better understand the city’s preferences on design before meeting with residents. She said there is a miscommunication; their only design is if wanting a brick or blacktop road on 105th, there are no other alternatives. It would be forced, yet delayed two years because the County would come back and say they have no choice. A lot of residents are against it. She asked if the city could get residents together to ask what their opinions are on 105th, get residents input, and then get back to Dakota County because the County is not seeking anything but staying with 105th.

Mayor Dietrich asked if the meeting was with both Commissioner’s from Inver Grove.

Ms. Sabistina replied it was the Planning Meeting where Dakota County designers of the bike trail presented on 105th. She said the County is not changing it, and the residents do not want it. She mentioned there are 69 people on the neighborhood email chain. This is being hung up and wanted the Council to be aware.

Mayor Dietrich stated staff would be in touch. If she does not hear back within a good timeframe to contact City Clerk Kiernan.

8. MAYOR AND COUNCIL COMMENTS:

Councilmember T'Kach shared that resident just sat through a 2.5-hour meeting to speak for 3 minutes. She said years ago residents' comments were at the front of the agenda, she would like to see the Council consider moving things back up toward the front. She understands there was rationale for why they moved things off, out of respect for residents they should find a way. If wanting to speak longer, she suggested they may also be able to speak at the end. She said that having something that takes 48 seconds seemed disrespectful.

Councilmember Scales mentioned that he has thought the same. After talking with city staff regarding this, there was a reason for it. He thinks it is a great idea at the beginning some of the time, other times it gets monopolized. He said if changing it the Council would need to be really strict with time allowed. The Council tends to be a bit lenient. He said they need to think about how to structure it.

Councilmember T'Kach said she was fine with being strict with the time. People are trying to raise an issue for the Council and public to see and bring attention to.

Councilmember Murphy said there were other residents in the room they need to be respectful of as well that are not here just for public comment. He thought it was structured the way it is for a reason. It was at the beginning and got off track every time he was a part of it.

9. ADJOURN:

Motion by Scales, second by Murphy, to adjourn the meeting at 8:39 p.m.

Ayes: 5

Nays: 0 Motion carried.

Minutes prepared by Recording Secretary Sheri Yourczek